

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

ASHINC Corporation, *et al.*,¹

Debtors.

Chapter 11

Case No. 12-11564 (MFW)
(Jointly Administered)

CATHERINE E. YOUNGMAN, LITIGATION
TRUSTEE FOR ASHINC CORPORATION, ET AL., AS
SUCCESSOR TO THE OFFICIAL COMMITTEE OF
UNSECURED CREDITORS OF ASHINC
CORPORATION, AND ITS AFFILIATED DEBTORS,

Plaintiff,

Adv. Proc. No. 21-51179-MFW

v.

YUCAIPA AMERICAN ALLIANCE FUND I, LLC,
YUCAIPA AMERICAN MANAGEMENT, LLC,
AMERICAN AIRLINES MASTER FIXED BENEFIT
PENSION PLAN TRUST, AMERICAN PRIVATE
EQUITY PARTNERS II, LP, AUTOMOTIVE
MACHINISTS PENSION TRUST, BOARD OF FIRE
AND POLICE PENSION COMMISSIONERS OF THE
CITY OF LOS ANGELES, CALIFORNIA PUBLIC
EMPLOYEES' RETIREMENT SYSTEM,
CARPENTERS PENSION TRUST FUND FOR
NORTHERN CALIFORNIA, COLLIER PARTNERS 702
LP INCORPORATED, CLOUSE S.A.,
CONSOLIDATED RETIREMENT FUND, IAM
PRIVATE EQUITY, LLC, ILGWU DEATH BENEFIT
FUND 4, INTERNATIONAL SIF SICAV SA, LOCALS
302 & 612 OF THE INTERNATIONAL UNION OF
OPERATING ENGINEERS – EMPLOYERS

Related to D.I. 76

¹ The Debtors in these cases, along with the federal tax identification number (or Canadian business number where applicable) for each of the Debtors, are: ASHINC Corporation (f/k/a Allied Systems Holdings, Inc.) (58-0360550); AAINC Corporation (f/k/a Allied Automotive Group, Inc.) (58-2201081); AFBLLC LLC (f/k/a Allied Freight Broker LLC) (59-2876864); ASCCO (Canada) Company (f/k/a Allied Systems (Canada) Company) (90-0169283); ASLTD L.P. (f/k/a Allied Systems, Ltd. (L.P.)) (58-1710028); AXALLC LLC (f/k/a Axis Areta, LLC) (45-5215545); AXCCO Canada Company (f/k/a Axis Canada Company) (875688228); AXGINC Corporation (f/k/a Axis Group, Inc.) (58-2204628); Commercial Carriers, Inc. (38-0436930); CTSINC Corporation (f/k/a CT Services, Inc.) (38-2918187); CTLLC LLC (f/k/a Cordin Transport LLC) (38-1985795); F.J. Boutell Driveway LLC (38-0365100); GACS Incorporated (58-1944786); Logistic Systems, LLC (45-4241751); Logistic Technology, LLC (45-4242057); QAT, Inc. (59-2876863); RMX LLC (31-0961359); Transport Support LLC (38-2349563); and Terminal Services LLC (91-0847582). Debtors address for service of process is 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

CONSTRUCTION INDUSTRY RETIREMENT TRUST,
LOS ANGELES CITY EMPLOYEES' RETIREMENT
SYSTEM, NATIONAL RETIREMENT FUND, NEW
MEXICO STATE INVESTMENT COUNCIL, NEW
MEXICO STATE INVESTMENT COUNCIL LAND
GRANT PERMANENT FUND, NEW MEXICO STATE
INVESTMENT COUNCIL SEVERANCE TAX
PERMANENT FUND, NEW YORK CITY
EMPLOYEES' RETIREMENT SYSTEM, NEW YORK
CITY FIRE DEPARTMENT PENSION FUND, NEW
YORK CITY POLICE PENSION FUND, NORTHEAST
CARPENTERS PENSION FUND, PACIFIC COAST
ROOFERS PENSION PLAN, SANBA II INVESTMENT
AUTHORITY, STATE STREET BANK AND TRUST
COMPANY (AS TRUSTEE ON BEHALF OF
AMERICAN AIRLINES MASTER FIXED BENEFIT
PENSION PLAN TRUST); STEAMSHIP TRADE
ASSOCIATION OF BALTIMORE, INC. –
INTERNATIONAL LONGSHOREMEN'S
ASSOCIATION (AFL-CIO) PENSION FUND,
TEACHERS' RETIREMENT SYSTEM OF THE CITY
OF NEW YORK, UNITED FOOD AND
COMMERCIAL WORKERS INTERNATIONAL
UNION PENSION PLAN FOR EMPLOYEES,
WESTERN CONFERENCE OF TEAMSTERS
PENSION TRUST

Defendants.

**CERTIFICATION OF COUNSEL REGARDING STIPULATED BRIEFING
SCHEDULE ON YUCAIPA DEFENDANTS' MOTION TO DISMISS**

The undersigned counsel to the Litigation Trustee hereby certifies as follows:

1. On October 6, 2021, the Litigation Trustee filed the *Litigation Trustee's Complaint* to (I) Avoid and Recover Avoidable Transfers, and (II) for a Declaration of Liability Against Yucaipa American Alliance Fund I, LLC (the "Complaint") [D.I. 1].
2. In addition to certain other defendants, the Complaint named the following defendants: Yucaipa American Alliance Fund I, LLC and Yucaipa American Management, LLC, (collectively, the "Yucaipa Defendants").

3. On June 1, 2022 the Yucaipa Defendants filed a motion to dismiss the Complaint (the “Motion to Dismiss”) [D.I. 76].

4. The Trustee and the Yucaipa Defendants have agreed on a schedule for briefing the dismissal motion as follows:

	Filing Deadline
Yucaipa Defendants’ Opening Brief	Already Filed
Trustee’s Answering Brief	August 5, 2022
Yucaipa Defendants’ Reply Brief	September 16, 2022

5. A proposed form of Order approving the briefing schedule is attached hereto as **Exhibit A**.

6. A Stipulation memorializing the Agreement between the Parties (the “Stipulation”) is attached to the proposed form of Order as **Exhibit 1**.

7. Accordingly, the Parties respectfully request that the Court enter the Order approving the Stipulation at its earliest convenience.

Dated: June 10, 2022

Respectfully submitted,

FOX ROTHSCHILD LLP

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